

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION and
THE PEOPLE OF THE STATE OF NEW
YORK, by LETITIA JAMES, Attorney
General of the State of New York,

Plaintiffs,

v.

QUINCY BIOSCIENCE HOLDING
COMPANY, INC., a corporation;

QUINCY BIOSCIENCE, LLC, a limited
liability company;

PREVAGEN, INC., a corporation
d/b/a/ SUGAR RIVER SUPPLEMENTS;

QUINCY BIOSCIENCE
MANUFACTURING, LLC, a limited
liability company; and

MARK UNDERWOOD, individually and as
an officer of QUINCY BIOSCIENCE
HOLDING COMPANY, INC., QUINCY
BIOSCIENCE, LLC, and PREVAGEN,
INC.,

Defendants.

Case No. 1:17-cv-00124-LLS

**NOTICE OF PLAINTIFFS'
MOTIONS IN LIMINE**

Plaintiffs Federal Trade Commission and the People of the State of New York, by Letitia James, Attorney General of the State of New York, move this Court for an order, based on Federal Rules of Evidence 401, 402, 403, and 408 and Federal Rules of Civil Procedure 26 and 37, that prohibits the introduction of evidence relating to, or reliance on, references to, or arguments based upon: 1) whether Plaintiffs have proffered extrinsic evidence about consumers, advertising, or marketing; 2) whether Plaintiffs have conducted scientific research or human clinical trials; 3) Dr. Mindy Kurzer's opinions on Vitamin D; 4) FTC Guidance; 5) Defendants'

experts' opinions on the amount and type of evidence needed to substantiate the challenged claims; 6) good faith; 7) advice of counsel; 8) research or advertising practices of other companies; 9) FDA approval of Aduhelm; 10) the existence of private litigation involving Prevagen, including the *Collins* class action; and 11) monetary relief.

The motion is based on the grounds that the Court should exclude from trial evidence that is irrelevant to the issues in this litigation, expert opinions that are improper, evidence that is inadmissible, and evidence where any probative value is outweighed by a danger of unfair prejudice, confusing the issues, misleading the jury, undue delay, or wasting time.

Respectfully Submitted,

Date: October 24, 2023

FEDERAL TRADE COMMISSION

By: /s/ Andrew Wone

ANNETTE SOBERATS
EDWARD GLENNON
ANDREW WONE
TIFFANY M. WOO
CHRISTINE LEE DELORME
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20850
202-326-2921, asoberats@ftc.gov
202-326-3126, egleannon@ftc.gov
202-326-2934, awone@ftc.gov
202-326-3583, twoo@ftc.gov
202-326-2095, cdelorme@ftc.gov
202-326-3259 (facsimile)

Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

PEOPLE OF THE STATE OF NEW YORK
LETITIA JAMES
Attorney General of the State of New York

By: /s/ Kate Matuschak

JANE M. AZIA
Bureau Chief
KATE MATUSCHAK
Assistant Attorney General
MARY ALESTRA
Special Counsel
Consumer Frauds and Protection
Bureau
28 Liberty Street
New York, NY 10005
Tel: (212) 416-6189
Fax: (212) 416-6003
Email: kate.matuschak@ag.ny.gov
Email: mary.alestra@ag.ny.gov

CERTIFICATE OF SERVICE

I certify that on this 24th day of October 2023, I caused service of the foregoing Notice of Plaintiffs' Motions in Limine to be made by electronic filing with the Clerk of the Court using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record.

Dated: October 24, 2023

/s/ Andrew Wone

Andrew Wone

Federal Trade Commission